IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 320 of 1982

in

SPECIAL CIVIL APPLICATIONNo 1435 of 1981

with
CIVIL APPLICATION NO 3103 OF 1982

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT
and
Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHINDRA V VAIDYA

Versus

STATE OF GUJARAT

Appearance:

1. LETTERS PATENT APPEAL No. 320 of 1982

MR BP TANNA for Appellant No.

GOVERNMENT PLEADER for Respondent No. 1

SERVED BY RPAD - (R) for Respondent No. 2

RULE NOT RECD BACK for Respondent No. 3

RULE SERVED for Respondent No. 4-5,7,9,11

RULE UNSERVED for Respondent No. 6,8,10

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT
and
MR.JUSTICE K.A.PUJ

Date of decision: 17/04/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

The learned advocate Mr.Tanna for the appellant and learned AGP Ms.Manisha Shah for the respondent are present. It has been stated at the Bar that the matter has now become infructuous by passage of time and in view of the orders passed by the Central Administrative Tribunal. It is also further stated before us that the authorities are directed to prepare the select list from year to year from 1980 to 1986 and thereafter on the basis of vacancies from year to year without clubbing the vacancies in any particular year and as part of this exercise to consider the case of the petitioner for promotion to IAS afresh as per rules and should his name figure in the select list and should the vacancies permit, to appoint him to the IAS and to give him all consequential benefits. The entire set of papers before the Central Administrative Tribunal, Ahmedabad Bench together with orders, has been submitted and it has been taken on record. Obviously, in view of the aforesaid consensual request, this Letters Patent Appeal and the civil applciation would not assume any survival value and therefore, they have become infructuous. The Letters Patent Appeal and the civil application shall stand dismissed accordingly.

[J.N.BHATT, ACTING C J]

[K.A.PUJ, J]

SNS